

PROPOSED RULE CHANGE - LOCAL RULE 9(a)
(RED-LINED VERSION)

Rule 9. Pleading Social Security Cases; Bankruptcy Appeals.

(a) Social Security Cases. The following procedures govern all actions challenging a final decision of the Commissioner of the Social Security Administration filed under the Social Security Act, 42 U.S.C. § 405.

(1) *Time for Filing Answer.* Within 60 days after service of the complaint, the Commissioner must serve and file:

(A) an answer; and

(B) a certified copy of the administrative record, which may be in electronic form.

(2) *Motion for Order Reversing the Commissioner's Decision.* Within 60 days after the Commissioner files an answer, the plaintiff must serve and file:

(A) a Motion for Order Reversing the Commissioner's Decision or for other relief; and

(B) a supporting memorandum.

(3) *Motion for Order Affirming the Commissioner's Decision.* Within 60 days after the plaintiff files the Motion for Order Reversing the Commissioner's Decision, the Commissioner must serve and file:

(A) a Motion for Order Affirming the Decision of the Commissioner or for other relief; and

(B) a supporting memorandum.

(4) *Reply Memorandum.* Within 14 days after the Commissioner files the Motion for Order Affirming the Commissioner's Decision, the plaintiff may serve and file a reply.

(5) *Further Reply Memorandum.* If the plaintiff raises new issues or arguments in a reply memorandum, the Commissioner may serve and file a sur-reply within 14 days after service of the reply memorandum.

(6) *Content of Motions and Memoranda.*

(A) Motions and memoranda must not exceed a total of 25 pages, **and must meet the formatting requirements of Rule 10(a).**

(B) The first section of the memorandum ~~set out~~ **must include a summary of the case's procedural history and a brief summary of the relevant background facts, with page citations to the administrative record.**

(C) The second section ~~of the memorandum~~ **must** ~~concisely state~~ **include a concise statement of each issue for review, similar to an appellate brief; and must present the argument, discussing each issue in a separate subsection. The argument shall refer to the pertinent facts, if any, and shall include specific page citations to the administrative record for supporting evidence.**

~~**(D)** The third section should present the argument, reciting pertinent facts, discussing each issue in a separate subsection, and including page citations to the record for supporting evidence.~~